

que realizarse en virtud de esta Ley se registrarán por las disposiciones de vistas informales, adjudicaciones y reconsideraciones establecidas en la Ley Núm. 170 del 12 de agosto de 1988, según enmendada, conocida como "Ley de Procedimiento Administrativo Uniforme del Estado Libre Asociado de Puerto Rico".

Artículo 6.08. Revisión

Una parte adversamente afectada por una orden o resolución final alcanzada en virtud de las disposiciones de esta Ley, que haya agotado todos los remedios administrativos, podrá presentar una solicitud de revisión ante el Tribunal de Circuito de Apelaciones de conformidad con la Ley Núm. 170 de 12 de agosto de 1988, según enmendada, conocida como "Ley de Procedimiento Administrativo Uniforme del Estado Libre Asociado de Puerto Rico".

Artículo 6.09. Reglamentación

Tanto el Superintendente como el Secretario, al igual que el Secretario de Hacienda, establecerán todos aquellos reglamentos que esta Ley ordene para la implantación de las disposiciones de esta Ley, dentro de los seis (6) meses siguientes a la aprobación de la misma, y en conformidad a la Ley Núm. 170 de 12 de agosto de 1988, según enmendada, conocida como "Ley de Procedimiento Administrativo Uniforme del Estado Libre Asociado de Puerto Rico".

Artículo 6.10. Formularios

Tanto el Superintendente como el Secretario, al igual que el Secretario de Hacienda, crearán todos aquellos formularios que esta Ley

requiera para su implantación, dentro de los seis (6) meses siguientes a la aprobación de la misma.

Artículo 6.11. Moratoria y Amnistía

(A) Se establece un periodo de moratoria de ciento ochenta (180) días, contados a partir de que comience la vigencia de esta Ley, para que toda persona que haya advenido a la posesión de un arma de fuego o municiones mediante herencia, o que habiendo poseído legalmente un arma de fuego o municiones haya dejado vencer la autorización a dicha posesión, podrá solicitar una licencia de armas en virtud de esta Ley y la inscripción de dicha arma de fuego o municiones, sin que se inicie procedimiento penal alguno por la mencionada posesión ilegal.

(B) Se declara una amnistía general de noventa (90) días, contados a partir de que comience la vigencia de esta Ley, para que toda persona que tenga o posea un arma de fuego o municiones ilegalmente pueda deshacerse legalmente de las misma, entregándolas a la Policía, sin que se inicie contra dicha persona procedimiento penal alguno. Toda persona que entregue voluntariamente a la Policía un arma de fuego ilegalmente adquirida, encontrada, comprada, regalada, prestada o alquilada; o que de cualquier otro medio llegue a su poder y que constituya posesión o tenencia ilegal, no será acusado ni procesado por infringir ningún estatuto o ley que penalice dicha posesión o tenencia ilegal.

El Gobierno de Puerto Rico no podrá abrir ningún tipo de investigación ni expediente, ni

podrá radicar cargos criminales por la posesión o tenencia legal de un arma de fuego entregada a la Policía por las personas que se acojan a esta amnistía y voluntariamente entreguen un arma de fuego de conformidad con esta Ley. Disponiéndose, que para poder acogerse a los beneficios de la amnistía decretada en virtud de la presente Ley, será necesario que la parte interesada invoque la presente Ley o que dicha parte realice actos afirmativos que indiquen claramente que el presunto beneficiario de esta amnistía tenía la intención manifiesta y el deseo de entregar voluntariamente el arma o armas de fuego o municiones pertinentes.

Artículo 6.12. Cláusula de Separabilidad

Si cualquier cláusula, párrafo, artículo, sección o parte de esta Ley fuere declarada inconstitucional por un tribunal competente, la sentencia a efecto dictada no afectará, perjudicará ni invalidará el resto de la misma. El efecto de dicha sentencia quedará limitado a la cláusula, párrafo, artículo, sección o parte de la misma que así hubiere sido declarada inconstitucional.

Artículo 6.13. Derogación de Leyes

Salvo por lo dispuesto en el Artículo 6.004 de esta Ley, se derogan la Ley Núm. 17 de 19 de enero de 1951, según enmendada, y la Ley Mm. 75 de 13 de junio, de 1953, según enmendada.

Artículo 6.14. Vigencia

Esta Ley comenzará a regir el 1ro de marzo de 2001; excepto, los Artículos 6.09 y 6.10 de esta Ley, los cuales comenzarán a regir inmediatamente después de su aprobación.

RHODE ISLAND R.I. GEN. LAWS

Title 11. Criminal Offense

Chapter 47. Weapons

11-47-1. Short title. This chapter may be cited as "the Firearms Act".

11-47-2. Definition of terms. As used in this chapter:

(1) "**Antique firearm**" has the meaning given it in 18 U.S.C. § 921.

(2) "**Crime of violence**" means and includes any of the following crimes or an attempt to commit any of them; murder, manslaughter, rape, first or second degree sexual assault, first or second degree child molestation, kidnapping, first and second degree arson, mayhem, robbery, burglary, breaking and entering, any felony violation involving the illegal manufacture, sale, or delivery of a controlled substance, or possession with intent to manufacture, sell, or deliver a controlled substance classified in schedule I or schedule II of § 21-28-2.08, any violation of § 21-28-4.01.1 or 21-28-4.01.2 or conspiracy to commit any violation of these statutes, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony; upon any conviction of an offense punishable as a felony offense under § 12-29-5.

(3) "**Firearm**" includes any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," so-called, or other instrument from which steel or metal projectiles are propelled, or which may readily be converted to expel a projectile, except recurve, compound, or longbows and except those instruments propelling those projectiles which instruments are designed or normally used for a primary purpose other than as a weapon. The frame or receiver of those weapons

shall be construed as a firearm under the provisions of this section.

(4) "**Fugitive from justice**" means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(5) "**Licensing authorities**" means the board of police commissioners of a city or town where that board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and, in towns where there is no chief of police or superintendent of police, it means the town clerk who may issue licenses upon the recommendation of the town sergeant, and it also means any other person or body authorized by the city or town charter or by state law.

(6) "**Machine gun**" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term also includes the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if the parts are in the possession or under the control of a person.

(7) "**Person**" includes individual, partnership, firm, association, or corporation.

(8) "**Pistol**" includes any pistol or revolver, and any shotgun, rifle, or similar weapon with overall length less than twenty-six inches (26"), but does not include any pistol or revolver designed for the use of blank cartridges only.

(9) "**Sawed-off rifle**" means any rifle with overall length of less than twenty-six inches

(26") and/or barrel length of less than sixteen inches (16").

(10) "**Sawed-off shotgun**" means any shotgun with overall length of less than twenty-six inches (26") and/or barrel length of less than eighteen inches (18"), or both.

(11) "**Sell**" includes let or hire, give, lend, and transfer, and the word "purchase" shall include hire, accept, and borrow, and the expression "purchasing" shall be construed accordingly.

11-47-5. Possession of arms by person convicted of crime of violence or who is a fugitive from justice.

(a) No person who has been convicted in this state or elsewhere of a crime of violence or who is a fugitive from justice shall purchase, own, carry, transport, or have in his or her possession any firearm.

(b) Notwithstanding the provisions of subsection (a) of this section, no person convicted of an offense punishable as a felony offense under § 12-29-5 shall purchase, own, carry, transport, or have in his or her possession any firearm, for a period of two (2) years following the date of that conviction.

(c) No person who is in community confinement pursuant to the provisions of § 42-56-20.2 or who is otherwise subject to electronic surveillance or monitoring devices as a condition of parole shall purchase, carry, transport, or have in his or her possession any firearm. This subsection does not apply to any person who has not been convicted of (or pleaded guilty or nolo contendere to) a crime of violence in a court of competent jurisdiction.

(d) Every person violating the provisions of this section shall, upon conviction, be punished by imprisonment for not less than two (2) nor more than ten (10) years. For penalties provided

in this section that person shall not be afforded the benefit of suspension or deferment of sentence nor of probation.

11-47-5.1. Larceny of a firearm.

(a) "Firearm", as used in this section only, does not apply to an air rifle, air pistol, blank gun, or BB gun.

(b) Every person who steals any firearm is guilty of larceny. Every person violating the provisions of this section shall be sentenced, upon conviction, to not less than one year nor more than ten (10) years.

(c) No person shall steal any firearm as defined in this section and then sell, lend, or transfer that firearm. Any person convicted of violating the provisions of this subsection shall be punished by imprisonment for not less than ten (10) years nor more than twenty (20) years. That sentence shall be consecutive to any other sentence the person may receive or is serving.

11-47-6. Mental incompetents, drug addicts, and drunkards prohibited from possession. No person who is under guardianship or treatment or confinement by virtue of being a mental incompetent, or who has been adjudicated or is under treatment or confinement as a drug addict, or who has been adjudicated or is under treatment or confinement as an habitual drunkard, shall purchase, own, carry, transport, or have in his or her possession or under his or her control any firearm. Any person affected by the provisions of this section, other than a person who has been pronounced criminally insane by competent medical authority, after the lapse of a period of five (5) years from the date of being pronounced cured by competent medical authority, may, upon presentation of an affidavit issued by competent medical authority to the effect that he or she is a mentally stable person and a proper person to possess firearms, make application for the purchase of the firearm(s). Any person affected by the provisions of this section, in making application for the purchase of firearms and in executing the application, thereby voluntarily waives the right to refuse or refrain from disclosing any confidential information, including, but not limited to, any information arising from the physician-patient relationship, pertinent to a determination by the proper authorities regarding the approval or disapproval of this application. That person, in making application for the purchase of firearms and in executing the application, further agrees to allow the proper authorities to investigate any and all medical records of the applicant pertinent to a determination by the authorities regarding the approval or disapproval of this application. In the event that the application is approved and if the person has no other disqualifying record he or she will be allowed to purchase and possess firearms.

11-47-7. Possession of firearm by alien.

(a) No unnaturalized foreign born person who entered the United States in violation of its laws or, who having legally entered but who remains in the United States in violation of its laws, shall purchase, own, carry, transport, or have in possession or under his or her control any firearm.

(b) When any person is charged under this section, the law enforcement agency bringing the charge shall, prior to arraignment, notify the United States office of immigration and naturalization of the charge and further notify the court, at arraignment, of the alleged status of the person charged.

11-47-8. License or permit required for carrying pistol - Possession of machine gun.

(a) No person shall, without a license or permit, issued as provided in §§ 11-47-11, 11-47-12

and 11-47-18, carry a pistol or revolver in any vehicle or conveyance or on or about his or her person whether visible or concealed, except in his or her dwelling house or place of business or on land possessed by him or her or as provided in §§ 11-47-9 and 11-47-10. The provisions of the above section shall not apply to any person who is the holder of a valid license or permit issued by the licensing authority of another state, or territory of the United States, or political subdivision thereof, allowing him or her to carry a pistol or revolver in any vehicle or conveyance or on or about his or her person whether visible or concealed, provided the person is merely transporting the firearm through the state in a vehicle or other conveyance without any intent on the part of said person to detain him or herself or remain within the state of Rhode Island. No person shall manufacture, sell, purchase, or possess a machine gun except as otherwise provided in this chapter. Every person violating the provision of this section shall, upon conviction, be punished by imprisonment for not less than one nor more than ten (10) years or by a fine up to ten thousand dollars (\$10,000), or both, and except for a first conviction under this section shall not be afforded the provisions of suspension or deferment of sentence, nor a probation.

(b) No person shall have in his or her possession or under his or her control any sawed-off shotgun or sawed-off rifle as defined in § 11-47-2. Any person convicted of violating this subsection shall be punished by imprisonment for up to ten (10) years or by a fine of up to five thousand dollars (\$5,000), or both.

(c) No person shall have in his or her possession or under his or her control any firearm while the person delivers, possesses with intent to deliver, or manufactures a controlled substance. Any person convicted of violating this subsection shall be punished by imprisonment for not less than two (2) years nor more than twenty (20) years; and further provided, that the sentence shall be consecutive to any sentence the person may receive for the delivery, possession with intent to deliver, or the manufacture of the controlled substance. It shall not be a defense to a violation of this subsection that a person has a license or permit to carry or possess a firearm.

11-47-9. Persons exempt from restrictions.

The provisions of § 11-47-8 do not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, members of the Rhode Island airport police department, assistant director (adult services), deputy assistant director, associate directors, members of the Rhode Island state marshals, correctional officers, all within the department of corrections, members of the city or town police force, capitol police investigators of the department of attorney general appointed pursuant to § 42-9-8.1, the director, assistant director, and other inspectors and agents at the Rhode Island state fugitive task force appointed pursuant to § 12-6-7.2, railroad police while traveling to and from official assignments or while on assignments, conservation officers, or other duly appointed law enforcement officers, nor to members of the army, navy, air force, marine corps of the United States, the national guard, or organized reserves, when on duty, nor to members of organizations by law authorized to purchase or receive firearms from the United States or this state, provided those members are at or going to or from their places of assembly or target practice, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to any civilian guard or criminal in-

vestigator carrying sidearms or a concealed firearm in the performance of his or her official duties under the authority of the commanding officer of the military establishment in the state of Rhode Island where he or she is employed by the United States, nor to any civilian guard carrying sidearms or a concealed firearm in the performance of his or her official duties under the authority of the adjutant general where he or she is employed guarding a national guard facility, provided, however, that the commanding officer of such military establishment shall have on file with the attorney general of this state a list of the names and addresses of all such civilian guards and criminal investigators authorized to do so, nor to duly authorized military organizations when on duty, nor to members when at or going to or from their customary places of assembly, nor to the regular and/or ordinary transportation of pistols as merchandise, nor to any person while carrying a pistol unloaded and securely wrapped from the place of purchase to his or her home or place of business, or in moving goods from one place of abode or business to another. Persons exempted by the provisions of this section from the provisions of § 11-47-8 shall have the right to carry concealed firearms everywhere within this state. This provision does not give the right to carry concealed firearms to a person transporting firearms as merchandise or as household or business goods.

11-47-9.1. Additional exemptions. The provisions of §§ 11-47-8 and 11-47-11 do not apply to members of the state police, members of city or town police forces, and members of the Rhode Island airport police department. Persons exempted by the provisions of this section from the provisions of § 11-47-8 have the right to carry concealed firearms everywhere within this state. This provision does not give the right to carry concealed firearms to a person transporting firearms as merchandise or as household or business goods.

11-47-10. License or permit not required to carry to target range. No license or permit is required for the purpose of carrying or transporting any pistol or revolver from one's home or place of business to a bona fide target practice range, nor from a bona fide target practice range to one's home or place of business, to engage in any shoot meet, or practice, provided that the pistol or revolver is broken down, unloaded and carried as openly as circumstances will permit, or provided that the pistols or revolvers are unloaded and secured in a separate container suitable for the purpose.

11-47-11. License or permit to carry concealed pistol or revolver.

(a) Upon application of any person twenty-one (21) years of age or over having a bona fide residence or place of business within that city or town, or of any person twenty-one (21) years of age or over having a bona fide residence within the United States and a license or permit to carry a pistol or revolver concealed upon his or her person issued by the authorities of any other state or subdivision of the United States, the licensing authorities of any city or town shall issue a license or permit to the person to carry concealed upon his or her person a pistol or revolver everywhere within this state for four (4) years from date of issue, if it appears that the applicant has good reason to fear an injury to his or her person or property or has any other proper reason for carrying a pistol or revolver, and that he or she is a suitable person to be licensed. The license or permit shall be in triplicate in form to be prescribed by the attorney general and shall bear the fingerprint, photo-

graph, name, address, description, and signature of the licensee and the reason given for denying a license or permit and in no case shall it contain the serial number of any firearm. The original shall be delivered to the licensee. Any member of the licensing authority, its agents, servants, and employees shall be immune from suit in any action, civil or criminal, based upon any official act or decision, performed or made in good faith in issuing a license or permit under this chapter.

(b) Notwithstanding any other chapter or section of the general laws, the licensing authority of any city or town shall not provide or release to any individual, firm, association or corporation the name, address, or date of birth of any person who has held or currently holds a license or permit to carry a concealed pistol or revolver. This section shall not be construed to prohibit the release of any statistical data of a general nature relative to age, gender and racial or ethnic background nor shall it be construed to prevent the release of information to parties involved in any prosecution of § 11-47-8 or in response to a lawful subpoena in any criminal or civil action which that person is a party.

11-47-12. License or permit fee. The licensing authority shall charge a fee of forty dollars (\$40.00) to be paid to the authority by the holder of the license or permit for each license or permit. Every license or permit shall be valid for four (4) years from the date when issued, unless revoked before that time. The fee charged for issuing of a license or permit shall be applied for the use and benefit of the city, town, or of this state.

11-47-13. Revocation of license or permit. Any such license or permit may be revoked for just cause at any time by the authority granting it. Upon revocation, that authority shall give immediate notice to the attorney general, who shall immediately note the revocation, with the date of revocation, upon the copy of the license or permit on file in that office.

11-47-14. Licenses and permits to banks and carriers. The attorney general may issue a license or permit to any banking institution doing business in this state or to any public carrier who is in the business of transporting mail, money, securities, or other valuables, to possess and use machine guns under such regulations as the attorney general may prescribe.

11-47-15. Proof of ability required for license or permit. No person shall be issued a license or permit to carry a pistol or revolver concealed upon his or her person until he or she has presented certification as prescribed in § 11-47-16 that he or she has qualified with a pistol or revolver of a caliber equal to or larger than the one he or she intends to carry, that qualification to consist of firing a score of 195 or better out of a possible score of 300 with thirty (30) consecutive rounds at a distance of twenty-five (25) yards on the army "L" target, firing "slow" fire. The "slow" fire course shall allow ten (10) minutes for the firing of each of three (3) ten (10) shot strings.

11-47-18 License or permit issued by attorney general on showing of need - Issuance to retired police officers.

(a) The attorney general may issue a license or permit to any person twenty-one (21) years of age or over to carry a pistol or revolver, whether concealed or not, upon his or her person upon a proper showing of need, subject to the provisions of §§ 11-47-12 and 11-47-15, that license or permit may be issued notwithstanding the provisions of § 11-47-7.

11-47-19. Machine gun manufacturers' licenses or permits. The attorney general may

issue to any person, firm, or corporation, engaged in manufacturing in this state, a license or permit to manufacture and sell machine guns and any or all machine gun parts under such regulations as the attorney general may prescribe.

11-47-20. Sale or possession of silencers. It is unlawful within this state to manufacture, sell, purchase, or possess any muffler, silencer, or device for deadening or muffling the sound of a firearm when discharged. Violations of this section shall be punished by imprisonment for not less than one year and one day.

11-47-20.1. Armor-piercing bullets. It is unlawful within this state for any person to import, manufacture, sell, purchase, or otherwise transfer any bullets which have steel inner cores or cores of equivalent hardness and truncated cones and which are designed for use in pistols as armor-piercing or metal-piercing bullets. Any person who violates the provisions of this section shall be punished by imprisonment for not more than three (3) years or a fine of not more than five thousand dollars (\$5,000), or both. This section does not apply to the purchase of those bullets by the Rhode Island state police, by any city or town police department of the state of Rhode Island; or by the department of environmental management for display as a part of a firearms training course under its auspices.

11-47-22. Forfeiture and destruction of unlawful firearms. No property right exists in any firearm unlawfully possessed, carried, or used. All unlawful firearms are declared by this section to be nuisances and forfeited to the state. When forfeited firearms are taken from any person, they shall be surrendered to the superintendent of state police, or to the chief of police in the city or town in which they are taken, or to the town sergeant of a town where there is no chief or superintendent of police. The officer to whom they are surrendered, except upon a certificate of a justice of the superior court or the attorney general that the nondestruction of the weapons is necessary or proper to the ends of justice, shall proceed to destroy those firearms at stated intervals of not more than one year. If any forfeited firearm shall be found to be the property of an innocent owner, it shall be returned to the owner if and when no longer needed for purposes of evidence. Any owner of a firearm who knowingly fails to report the loss or theft of the firearm to the proper law enforcement authorities is not entitled to its return.

11-47-23. False information in securing firearm or license. No person, in purchasing, or otherwise securing delivery of a shotgun, rifle, pistol, or revolver, or in applying for a license to carry it, shall give false information or offer false evidence of his or her identity. Violation of the provisions of this section may be punished by imprisonment for not more than five (5) years.

11-47-24. Alteration of marks of identification on firearms. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which these marks have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated them. Violation of the provisions of this section may be punished by imprisonment for not more than five (5) years.

11-47-25. Antique firearms and collections. This chapter does not apply to antique firearms unsuitable for use, nor to collections of firearms utilized and maintained for educational, scientific,

or any similar purpose without intent to use the firearms.

11-47-26. Penalties for violations. Unless otherwise specified, any violation of any provision of this chapter shall be punished by a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than five (5) years or both. A violation of any of the provisions of §§ 11-47-1 – 11-47-34 with relation to air rifle, air pistol, blank gun, BB gun, or other instrument other than a machine gun, shotgun, rifle, or pistol, from which steel or other metal projectiles are propelled, shall for the first offense be punished by a fine of not more than fifty dollars (\$50.00) and for the second or any subsequent offense by a fine of not more than one hundred dollars (\$100) or by imprisonment for not more than thirty (30) days, or both. The provisions of chapter 1 of title 14 shall apply in the case of any person under the age of eighteen (18) years.

11-47-30. Sale, transfer or delivery of firearms to minors.

(a) It is unlawful within this state for any person to sell, transfer, give, convey, or cause to be sold, transferred, given or conveyed any firearm to any person under eighteen (18) years of age, when that person knows or has reason to know that the recipient is under eighteen (18) years of age, except for the limited purposes set forth in §§ 11-47-33 and 11-47-34 and with the prior approval or consent of the parent or legal guardian of the minor.

(b) Every person violating this section shall be punished upon conviction by imprisonment for not less than ten (10) years and not more than twenty (20) years. The prohibitions of this section do not apply to any federally and state licensed retail dealer who makes reasonable efforts to verify a purchaser's age, and do not apply to the sale of an air rifle, air pistol, blank gun, or BB gun.

11-47-31. Sale, transfer or delivery of ammunition to minors.

(a) It is unlawful within this state for any person to sell, transfer, give, convey, or cause to be sold, transferred, given or conveyed any ammunition, including any priming charge of powder, propelling charge of powder, or any form of missile or projectile to be ejected from a firearm to any person under eighteen (18) years of age when that person knows or has reason to know that the recipient is under eighteen (18) years of age, except for the limited purposes set forth in §§ 11-47-33 and 11-47-34 and with the prior approval or consent of the parent or legal guardian of the minor.

(b) Every person violating this section shall be punished upon conviction by imprisonment for a term not to exceed ten (10) years. The prohibitions of this section do not apply to any federally and state licensed retail dealer who makes reasonable efforts to verify a purchaser's age, and do not apply to the sale of ammunition for an air rifle, air pistol, blank gun, or BB gun.

11-47-32. Possession of ammunition by minor. Except as provided in § 11-47-33, it is unlawful within this state for any person under eighteen (18) years of age to possess and use ammunition, including any priming charge of powder, propelling charge of powder, or any form of missile or projectile to be ejected from a firearm.

11-47-33. Possession of firearms by minors.

(a) For purposes of this section only, "qualified adult" means any person twenty-one (21) years of age or older who is permitted by law to possess and use a firearm.

(b) It is unlawful within this state for any person under eighteen (18) years of age to possess and use any firearm unless that person holds a permit as provided in § 11-47-34, and unless the person is in the presence of a parent or guardian or supervising adult at any regular and recognized camp or rifle range approved by the Rhode Island state police or by the chief of police of the city or town in which the camp or rifle range is located. This provision does not apply to minors engaged in lawful hunting activity under the supervision of a parent or guardian or qualified adult, minors participating in reserve officer training corps programs, ceremonial parade activities, competitive and target shooting, participants in state militia activities, and minors participating in a basic firearms education program. A person under eighteen (18) years of age may carry a firearm, unloaded, in a suitable case to and from his or her home and the camp or range and from the camp or range to other camp or range when accompanied by a parent, guardian or supervising adult.

11-47-34. Firearms permits to minors. The Rhode Island state police or the chief of police of the city or town in which the person resides shall issue permits to any person under eighteen (18) years of age only upon satisfactory proof of being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range, and further provided that the person has the written consent of a parent or guardian. Valid membership cards of junior gun clubs or of junior divisions of senior gun clubs incorporated in this state is prima facie evidence of the person under eighteen (18) years of age being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range.

11-47-35. Sale of concealable weapons – Safety courses and tests - Review board – Issuance of permits to certain government officers.

(a)(1) No person shall deliver a pistol or revolver to a purchaser until seven (7) days have elapsed from twelve o'clock (12:00) noon of the day following the day of application for the purchase. When delivered, the pistol or revolver shall be unloaded and securely wrapped, with the bill of sale enclosed within the wrapper. Any citizen of the United States and/or lawful resident of this state who is twenty-one (21) years of age or older, and any nonresident member of the armed forces of the United States who is stationed in this state and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm, the purchaser shall: (i) complete and sign in triplicate and deliver to the person selling the pistol or revolver the application form described below, and in no case shall it contain the serial number of the pistol or revolver; and (ii) shall present to the person selling the pistol or revolver a pistol/revolver safety certificate issued by the department of environmental management. The certificate shall be retained in the possession of the buyer. The pistol/revolver safety certificate shall certify that the purchaser has completed a basic pistol/revolver safety course as administered by the department of environmental management.

(Face of application form)

Application to Purchase Pistol or Revolver
Date Hour A.M. P.M.
Name
(Street and number) (City or town) (State)
Date of Birth Place of Birth
Height Weight Color hair

Color eyes
Scars
Tattoos
Other identifying marks
Are you a citizen of the United States
Are you a citizen of Rhode Island
How long
Where stationed
(Armed Forces only)
Have you ever been convicted of a crime of violence
(See § 11-47-2)
Have you ever been adjudicated or under confinement as addicted to a controlled substance
Have you ever been adjudicated or under confinement for alcoholism
Have you ever been confined or treated for mental illness
From whom is pistol or revolver being purchased
Seller's address
Seller's signature
Applicant's signature
(See § 11-47-23 for penalty for false information on this application)

(Reverse side of application form)

AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1 – 11-47-55, inclusive, of the general laws of the State of Rhode Island and Providence Plantations, and that I am aware of the penalties for violation of the provisions of the cited sections. I further certify that I have completed the required basic pistol/revolver safety course.

Signed
(over)
County of
State of Rhode Island
Subscribed and sworn before me this . . day of
. . . . A.D. 20. .
Notary Public

(2) On the date of application, the person selling the pistol or revolver must sign and forward, by registered mail or by delivery in person, the original and duplicate copies of the application to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the person has his or her residence or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the person has his or her residence or place of business shall mark or stamp the original copy of the application form with the date and the time of receipt and return it by the most expeditious means to the person who is selling the pistol or revolver. The triplicate copy duly signed by the person who is selling the pistol or revolver shall within seven (7) days, be sent by him or her by registered mail to the attorney general. The person selling the pistol or revolver shall retain the original copy duly received by the police authority to whom sent or delivered for a period of six (6) years with other records of the sale. It is the duty of the police authority to whom the duplicate copy of the application form is sent or delivered to make a background check of the applicant to ascertain whether he or she falls under the provisions of section 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If, after the lapse of seven (7) days from twelve o'clock (12:00) noon of the day following application, no disqualifying information has been received from the investigating police authority by the person who is selling the pistol or revolver, he or she will deliver the firearm applied for to the applicant. Upon the finding of no disqualifying information under the provisions of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate and triplicate copies of the application will be de-

stroyed. Retention of the duplicate and triplicate copies in violation of this act or any unauthorized use of the information contained therein by a person or agency shall be punishable by a fine of not more than one thousand dollars (\$1,000). The provisions of this section do not apply to bona fide sales at wholesale to licensed retail dealers, nor to purchases by retail dealers licensed under the provisions of section 11-47-39.

(b)(1) The department of environmental management shall establish the basic pistol/revolver safety course required hereunder. The safety course shall consist of not less than two (2) hours of instruction in the safe use and handling of pistols and revolvers. The course shall be available to buyers continually throughout the year at convenient times and places but at least monthly at locations throughout the state, or more frequently as required. Proficiency in the use of pistols or revolvers shall not be prerequisite to the issuance of the safety certificate. No person shall be required to complete the course more than once. Any person completing the course who is unable to produce the safety certificate issued by the department of environmental management shall be required to take the course again unless the person provides evidence to the department that he or she has successfully completed the course.

(2) The administration of the basic pistol/revolver safety course required by this section shall not exceed the cost of thirty-five thousand dollars (\$35,000) in any fiscal year.

(c) Proof of passage of the department of environmental management's basic hunter safety course will be equivalent to the pistol/revolver safety certificate mandated by this section.

(d) Any person who has reason to believe that he or she does not need the required handgun safety course may apply by any written means to the department of environmental management to take an objective test on the subject of matter of the handgun safety course. The test shall be prepared, as well as an instruction manual upon which the test shall be based, by the department. The manual shall be made available by any means to the applicant who may, within the time limits for application, take the objective test at the department or at any location where the handgun safety course is being given. Any person receiving a passing grade on the test shall be issued a pistol/revolver safety certificate by the department. . . .

(f) The following persons shall be issued basic pistol/revolver permits by the department of environmental management: sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force, members of the park police, conservation officers, and officers of the United States government authorized by law to carry a concealed firearm and, at the discretion of the department of environmental management, any person who can satisfactorily establish that he or she formerly held, such office or were authorized to do so.

(g) Any person who is serving in the army, navy, air force, marine corps or coast guard on active duty shall not be required to obtain a basic pistol/revolver safety certificate or basic pistol/revolver permit under this section so long as he or she remains on active duty.

(h) Any person who is serving in the active reserve components of the army, navy, air force, marine corps or coast guard, or any person in an active duty paid status in the Rhode Island national guard, shall not be required to obtain a basic pistol/revolver safety certificate under this

section so long as he or she remains in active status.

11-47-35.1. Persons exempt from § 11-47-35. The provisions of § 11-47-35 shall not apply to full-time members of the state police, or full-time members of the state marshal's office, or full-time members of city or town police departments, or state marshals or correctional officers or persons licensed under § 11-47-11.

11-47-35.2. Sale of rifles and shotguns.

(a) No person shall deliver a rifle or shotgun to its purchaser until seven (7) days have elapsed from twelve o'clock (12:00) noon of the day following the day of application for the purchase. When delivered, the rifle or shotgun must be unloaded and securely wrapped, with the bill of sale enclosed within the wrapper. Any citizen of the United States and/or lawful resident of this state who is eighteen (18) years of age or older, and any non-resident member of the armed forces of the United States who is stationed in this state and who is eighteen (18) years of age or older, may, upon application, purchase or acquire a rifle or shotgun. At the time of applying for the purchase of a shotgun or rifle the purchaser shall complete and sign in triplicate and deliver to the seller the application form below, and in no case shall it contain the serial number of the rifle or shotgun.

(Face of application form)

Application to Purchase Shotgun or Rifle
 Date Hour A.M. P.M.
 Name
 Address
 (Street and number) (City or town) (State)
 Date of Birth Place of Birth
 Height Weight Color hair
 Color eyes
 Scars
 Tattoos
 Other identifying marks
 Are you a citizen of the United States
 Are you a citizen of Rhode Island
 How long
 Where stationed
 (Armed Forces only)
 Have you ever been convicted of a crime of violence
 (See § 11-47-2 General Laws of Rhode Island)
 Have you ever been adjudicated or under confinement as addicted to a controlled substance
 Have you ever been adjudicated or under confinement for alcoholism
 Have you ever been confined or treated for mental illness
 From whom is shotgun or rifle being purchased
 Seller's address
 Seller's signature
 Applicant's signature
 (See § 11-47-23 for penalty for false information on this application)

(Reverse side of application form)

AFFIDAVIT: I certify that I have read and am familiar with the provisions of §§ 11-47-1 – 11-47-59 of the general laws of the State of Rhode Island and Providence Plantations, and that I am aware of the penalties for violation of the provisions of the cited sections.

Signed

County of

State of Rhode Island

Subscribed and sworn before me this . . day of A.D. 19. . .

Notary Public

(b) The person who is selling the rifle or shotgun shall, on the date of application, sign and forward by registered mail or by delivery in person, the original and duplicate copies of the ap-

plication to the superintendent of the Rhode Island state police or the chief of police in the city or town in which the seller has his or her residence or place of business. The superintendent of the Rhode Island state police or the chief of police in the city or town in which the person has his or her residence or place of business shall mark or stamp the original copy of the application form with the date and time of receipt and return it by the most expeditious means to the seller. The seller shall sign the triplicate copy and, within seven (7) days, send it by registered mail to the attorney general. The person shall retain the original copy receipted by the police authority to whom sent or delivered for a period of six (6) years with other records of the sale. It is the duty of the police authority to whom the duplicate copy of the application form is sent or delivered to make a background check of the applicant to ascertain whether he or she falls under the provisions of section 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If after the lapse of seven (7) days from twelve o'clock (12:00) noon of the day following application, no disqualifying information has been received from the investigating police authority by the person who is selling the rifle or shotgun, he or she will deliver the firearm applied for to the applicant. Upon the finding of no disqualifying information under the provisions of this chapter, and in no case later than thirty (30) days after the date of application, the duplicate and triplicate copies of the application will be destroyed. Retention of the duplicate and triplicate copies in violation of this chapter or any unauthorized use of the information contained in them by a person or agency shall be punishable by a fine of not more than one thousand dollars (\$1,000). The provisions of this section do not apply to bona fide sales at wholesale to licensed retail dealers, nor to purchases by retail dealers duly licensed under the provisions of section 11-47-39.

(c) The provisions of this section do not apply to full-time members of the state police or full-time members of city or town police departments, or persons licensed under §§ 11-47-9 and 11-47-11, or to sales of air rifles or BB guns or to sales of antique firearms as defined in § 11-47-2.

(d) The provisions of this section and § 11-47-35 do not apply to the transfer of a firearm in connection with a firearms education program or a lawful sporting activity, or a firearm inherited under the terms of a will admitted to probate or in accordance with the rules of descent set forth in chapter 1 of title 33.

11-47-36. Purchase of concealable firearms from out-of-state dealers. No citizen of this state may purchase any concealable firearm outside of the state of Rhode Island unless he or she has executed the application form prescribed in § 11-47-35, to be obtained by the purchaser from the city or town clerk of the city or town in which he or she resides or has his place of business. The original and duplicate copies of the application shall be delivered in person by the purchaser to the superintendent of the Rhode Island state police or to the chief of police of the city or town in which the purchaser resides. The purchaser shall send the triplicate copy of the application by certified or registered mail to the attorney general within twenty-four (24) hours of the time of filing with the appropriate police authority cited above. It is the duty of the police authority to whom the original and duplicate copies of the application are delivered to check the applicant's record to ascertain whether he or she falls under the provisions of § 11-47-5, 11-47-6, 11-47-7, or 11-47-23. If after the

lapse of seventy-two (72) hours from twelve o'clock (12:00) noon of the day following the date of application, no disqualifying record has been found by the investigating police authority, the original and duplicate copies of the application marked or stamped "approved" and signed by the investigating police authority will be returned to the applicant by the most expeditious means. The approved duplicate copy of the application shall be sent by the purchaser to the out-of-state dealer as proof of lawful purchase, and the original shall be retained by the purchaser along with the bill of sale for the firearm purchased for a period of six (6) years as proof of lawful purchase. The triplicate copy of the application shall be retained by the attorney general for a period which shall in no case exceed ninety (90) days, provided that no evidence that would disqualify the applicant has been found.

11-47-37. Sale to minors and others forbidden. No person shall sell a pistol or revolver to any person under the age of twenty-one (21) or to one who he or she has reasonable cause to believe falls under the provisions of §§ 11-47-5, 11-47-6, 11-47-7, or 11-47-23.

11-47-38. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in possession with intent to sell, or otherwise transfer, any pistol, revolver, or other firearm without being licensed as provided in this chapter.

11-47-39. Issuance and conditions of dealer's license. The licensing authorities of any city, town, or political subdivision of this state may grant licenses in form pre-scribed by the attorney general effective for not more than one year from date of issue, permitting the licensee to sell pistols and revolvers at retail within this state subject to the following conditions in addition to those specified in §§ 11-47-35 and 11-47-36, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in this chapter:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy of it, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol or revolver may be sold in violation of any provision of this chapter, nor shall a pistol or revolver be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his or her identity.

(4) The fee for issuing the license shall be five dollars (\$5.00). The fee charged for the issuing of the license shall be applied for the use and benefit of the city or town.

11-47-40. Register of sales of firearms - Display of firearms.

(a) Every person, firm, or corporation selling a pistol, revolver, or other firearm whether the seller is a retail dealer, pawnbroker, or otherwise, shall keep a register in which is entered at the time of sale: the date of sale, name, age, and residence of every purchaser of the a pistol, revolver, or other firearm, together with the caliber, make, model, manufacturer's number, or other mark of identification on the pistol, revolver, or other firearm. Every person, firm, or corporation who fails to keep a register and to enter the acts required by this section, shall, upon conviction, shall be punished as provided in this chapter. The register shall be open at all reasonable hours for the mandatory monthly inspection of licensed firearm dealers to be conducted by state and/or local police officials.

(b) This section does not apply to wholesale dealers' bona fide sales at wholesale to duly

licensed retail dealers. It is unlawful for any person, firm, or corporation dealing in firearms to display any pistol, revolver, or imitation of one, or any firearm of a size which may be concealed upon the person, or placard advertising the sale of them, in any part of the premises of the person, firm, or corporation where it can be readily seen from the outside.

(c) Firearm as utilized in this section only shall not apply to an air rifle, air pistol, blank gun, or BB gun.

11-47-41. Government firearm registration prohibited. No government agency of this state or its political subdivisions shall keep or cause to be kept any list or register of privately owned firearms or any list or register of the owners of those firearms. The provisions of this section do not apply to firearms which have been used in committing any crime of violence, nor to any person who has been convicted of a crime of violence.

11-47-42. Weapons other than firearms prohibited.

(a)(1) No person shall carry or possess or attempt to use against another any instrument or weapon of the kind commonly known as a black-jack, slingshot, billy, sandclub, sandbag, metal knuckles, slap glove, bludgeon, stun-gun, or those referred to commonly as "Kung-Fu" or other martial arts weapons; nor shall any person, with intent to use unlawfully against another, carry or possess a dagger, dirk, stiletto, sword-in-cane, bowie knife, or other similar weapon designed to cut and stab another; nor shall any person wear or carry concealed upon his person, any of the these instruments or weapons, or any razor, or knife of any description having a blade of more than three (3") inches in length measuring from the end of the handle where the blade is attached to the end of the blade, or other weapon of like kind or description. Any person violating the provisions of this subsection shall be punished by a fine of not more than one thousand dollars (\$1,000), or by imprisonment for not more than one year, or both, and the weapon shall be confiscated.

(2) Any person violating the provisions of this subsection while incarcerated within the adult correctional institution shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), by imprisonment for not less than one year nor more than five (5) years, or both, and the weapon shall be confiscated.

(b) No person shall sell to another who is under eighteen (18) years of age, without the written authorization of the minor's parent or legal guardian, any stick bomb, blackjack, slingshot, bill, sandclub, sandbag, metal knuckles, slap glove, bludgeon, stungun, paint ball gun, weapon referred to commonly as a martial arts or "kung-fu" weapon, dagger, dirk, stiletto, sword-in-cane, bowie knife, razor, or knife of any description having a blade of more than three inches (3") in length as described in subsection (a), or any multi-pronged star with sharpened edges designed to be used as a weapon and commonly known as a chinese throwing star. However, an individual who is actually engaged in the instruction of martial arts and licensed under § 5-43-1 may carry and possess any multi-pronged star with sharpened edges for the sole purpose of instructional use. Any person violating the provisions of this subsection shall be punished by a fine of not less than one thousand dollars (\$1,000) nor more than three thousand dollars (\$3,000), or by imprisonment for not less than one year, nor more than five (5) years or both, and the weapons shall be confiscated.

11-47-43. Collectors and police officers exempt from section 11-47-42. The provisions of section 11-47-42, so far as they forbid the possession of certain instruments or weapons, do not apply to any person who possesses or is making a collection of them as curios, or for educational, professional, scientific, or any other lawful purpose, without intent to use the instrument or weapon unlawfully. The provisions of section 11-47-42, so far as they relate to the possession or carrying of any billy, do not apply to sheriffs, constables, police, or other officers or guards whose duties require them to arrest or to keep and guard prisoners or property, nor to any person summoned by those officers to aid them in the discharge of their duties while actually engaged in their duties.

11-47-46. Sections 11-47-42 - 11-47-45 inapplicable to firearms. The provisions of sections 11-47-42 - 11-47-45 shall not be construed to relate to the possession and carrying of air guns, pistols or firearms of any description.

11-47-47. Display of weapons. No person, firm, or corporation shall display in a place of business by means of a window display any pistol, revolver, or other firearm, as defined in § 11-47-2, or any dagger, dirk, bowie knife, stiletto, metal knuckles, or blackjack. However, dealers in sporting goods may include in a window display pistols or revolvers upon a permit issued by the chief of police or town sergeant of any city or town. Any person, firm, or corporation violating the provisions of this section shall be punished by a fine not exceeding twenty-five dollars (\$25.00) for the first offense and one hundred dollars (\$100) for every subsequent offense.

11-47-48.1. Report of lost or stolen weapons. Every person who owns a firearm shall report the loss or theft of their firearm to the local law enforcement agency within twenty-four (24) hours of the discovery of the loss or theft. Whoever knowingly violates this section shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100).

11-47-51. Loaded weapons in vehicles. It is unlawful for any person to have in his or her possession a loaded rifle or loaded shotgun or a rifle or shotgun from the magazine of which all shells and cartridges have not been removed, in or on any vehicle or conveyance or its attachments while upon or along any public highway, road, lane, or trail within this state. The provisions of this section do not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force, investigators of the department of attorney general appointed pursuant to § 42-9-8.1, the director, assistant director and other inspectors and agents at the Rhode Island state fugitive task force appointed pursuant to § 12-6-7.2, nor to other duly appointed law enforcement officers, including conservation officers, nor to members of the army, navy, air force, or marine corps of the United States, or the national guard or organized reserves, when on duty, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the performance of his or her official duties under the authority of the commanding officer of the military establishment in this state where he or she is employed by the United States.

11-47-52. Carrying of weapon while under the influence of liquor or drugs. It is unlawful to carry or transport any firearm in this state

when intoxicated or under the influence of intoxicating liquor or narcotic drugs.

11-47-55. Enforcement of chapter. Sheriffs, deputy sheriffs, the superintendent and members of the state police, members of the city or town police force, or law enforcement officers, including conservation officers, have the power to enforce the provisions of this chapter.

11-47-58. Firearms - State pre-emption. The control of firearms, ammunition, or their component parts regarding their ownership, possession, transportation, carrying, transfer, sale, purchase, purchase delay, licensing, registration, and taxation rests solely with the state, except as otherwise provided in this chapter.

11-47-60. Possession of firearms on school grounds.

(a) As used in this section, "school grounds" means the property of a public or private elementary or secondary school or those portions of any building, stadium, or other structure on school grounds which were, at the time of the violation of this section, being used for an activity sponsored by or through a school in this state, or while riding school provided transportation.

(b)(1) No person shall have in his or her possession any firearm or other weapons on the school grounds. Every person violating the provisions of this section, upon conviction, shall be sentenced to imprisonment for not less than one year nor more than five (5) years, or shall be fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000).

(2) Any juvenile adjudicated delinquent pursuant to this statute shall, in addition to whatever other penalties are imposed by the family court, lose his or her license to operate a motor vehicle for up to six (6) months. If that juvenile has not yet obtained the necessary age to obtain a license, the court may impose as part of its sentence a delay in his or her right to obtain the license when eligible to do so, for a period of up to six (6) months.

(c) The provisions of this section do not apply to any person who is exempt pursuant to the provisions of §§ 11-47-9, 11-47-11, and 11-47-18 or to the following activities when the activities are officially recognized and sanctioned by the educational institution:

(1) Firearm instruction and/or safety courses;

(2) Government sponsored military related programs such as ROTC;

(3) Interscholastic shooting and/or marksmanship events;

(4) Military history and firearms collection courses and/or programs; and

(5) The use of blank guns in theatrical and/or athletic events.

(d) The provisions of this section do not apply to colleges, universities, or junior colleges.

11-47-60.1. Safe storage.

(a) As used in this section, a "child" means any person who has not attained the age of sixteen (16) years.

(b) A person who stores or leaves on premises under his or her control, a loaded firearm and who knows or reasonably should know that a child is likely to gain access to the firearm without the permission of the child's parent or guardian and the child obtains access to the firearm and with it causes injury to himself/ herself or to any other person, is guilty of the crime of criminal storage of a firearm and upon conviction shall be fined not more than one thousand dollars (\$ 1,000), or imprisoned for not more than one (1) year, or both.

(c) The provisions do not apply whenever any of the following occurs:

(1) The child obtains the firearm as a result of an illegal entry of any premises by any person or an illegal taking of the firearm from the premises of the owner without permission of the owner;

(2) The firearm is kept in a locked container or in a location which a reasonable person would believe to be secured;

(3) The firearm is carried on the person or within such a close proximity to that person that the individual can readily retrieve and use the firearm as if carried on the person;

(4) The firearm is locked with a locking device;

(5) The child obtains or obtains and discharges the firearm in a lawful act of self-defense or defense of another person; or

(6) The person who keeps a loaded firearm on any premises which is under his or her custody or control has no reasonable expectations, based on objective facts and circumstances, that a child is likely to be present on the premises.

(d)(1) It is the intent of the general assembly that a parent or guardian of a child who is injured or who dies of an accidental shooting, shall be prosecuted only in those instances in which the parent or guardian behaved in a grossly negligent manner.

(2) If the person who allegedly violated this section, is the parent or guardian of a child who is injured or who dies as the result of an accidental shooting, the attorney general's department shall consider among other factors, the im-

pact of the injury or death on the person who has allegedly violated this section when deciding whether to prosecute an alleged violation.

(e) Nothing in this section reduces or limits any existing right to purchase and own firearms and/or ammunition or to provide authority to any state or local agency to infringe upon the privacy of any family, home, or business except by lawful warrant.

11-47-60.3. Trigger lock required. No licensed retail dealer shall deliver any pistol to any purchaser without providing a trigger lock or other safety device designed to prevent an unauthorized user from operating the pistol.

[Current through 2001 Legislative Session]

SOUTH CAROLINA S.C. CODE

Title 16. Crimes and Offenses

Chapter 23. Offenses Involving Weapons

Article 1. Pistols

16-23-10. Definitions. When used in this article:

(a) **"Pistol"** means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any firearm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges.

(b) The term **"dealer"** means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.

(c) The term **"crime of violence"** means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, house-breaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term **"fugitive from justice"** means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term **"subversive organization"** means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term **"conviction"** as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

(g) The term **"Division"** shall mean the State Law Enforcement Division.

(h) The terms **"purchase"** or **"sell"** mean to knowingly buy, offer to buy, receive, lease, rent, barter, exchange, pawn or accept in pawn.

(i) The term **"person"** shall mean any individual, corporation, company, association, firm, partnership, society or joint stock company.

16-23-20. Unlawful carrying of pistol; exceptions. It is unlawful for anyone to carry about the person any pistol, whether concealed or not, except as follows:

(1) Regular, salaried law enforcement officers and reserve police officers of a municipality or county of the State, uncompensated Governor's

constables, law enforcement officers of the federal government or other states when they are carrying out official duties while in this State, deputy enforcement officers of the Natural Resources Enforcement Division of the Department of Natural Resources, and retired commissioned law enforcement officers employed as private detectives or private investigators.

(2) Members of the Armed Forces of the United States or of the National Guard, organized reserves, or the State Militia when on duty.

(3) Members of organizations authorized by law to purchase or receive firearms from the United States or this State, or regularly enrolled members of clubs organized for the purpose of target shooting or collecting modern and antique firearms while these members are at or going to or from their places of target practice or their shows and exhibits.

(4) Licensed hunters or fishermen while engaged in hunting or fishing or going to or from their places of hunting or fishing.

(5) Any person regularly engaged in the business of manufacturing, repairing, repossession, or dealing in firearms, or the agent or representative of this person while possessing, using, or carrying a pistol in the usual or ordinary course of the business.

(6) Guards engaged in protection of property of the United States or any agency thereof.

(7) Any authorized military or civil organizations while parading or the members thereof when going to and from the places of meeting of their respective organizations.

(8) Any person in his home, or upon his real property, or fixed place of business.

(9) Any person in a vehicle where the pistol is secured in a closed glove compartment, closed console, or closed trunk.

(10) Any person carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or a fixed place of business or while in the process of the changing or moving of one's residence or the changing or moving of his fixed place of business.

(11) Any prison guard while engaged in his official duties.

(12) Any person who is granted a permit under provision of law by the State Law Enforcement Division to carry a pistol about his person, under conditions set forth in the permit.

Persons authorized to carry weapons pursuant to items (6) and (12) of this section may exercise this privilege only after acquiring a permit from the State Law Enforcement Division as provided for in Article 4 of Chapter 31 of Title 23.

16-23-30. Sale or delivery of pistol to and possession by certain persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instructions under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

16-23-50. Penalties; disposition of fines; forfeiture and disposition of pistols.

(A)(1) A person, including a dealer, who violates the provisions of this article, except Section 16-23-20, is guilty of a felony and, upon conviction, must be fined not more than two thousand dollars or imprisoned not more than five years, or both.

(2) A person violating the provisions of Section 16-23-20 is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

(B) In addition to the penalty provided in this section, the pistol involved in the violation of this article must be confiscated. The pistol must be delivered to the chief of police of the municipality